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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,279	06/07/2001	Ritva Laijoki-Paska	1390-0124P	4240
2292 7590 08/04/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
KATCHEVES, BASIL S				
ART UNIT		PAPER NUMBER		
3635				
NOTIFICATION DATE		DELIVERY MODE		
08/04/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

09/831,279

Applicant(s)

LAJOKI-PUSKA, RITVA

Examiner

BASIL KATCHEVES

Art Unit

3635

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The applicant has cancelled claims 1-20 and added new claims 21-32 in the paper dated 7/17/09. Pending claims 21-32 are examined below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-23 and 25-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,790,531 to Matsui et al.

Regarding claim 21, Matsui discloses a spatial structure (figs. 5 & 7) having a first interior space (see building) separated from the ambient open air and several separate spaces (figs 1-7, interior skiing; fig. 5: see partial shown structure at top floor, and partially shown structure at bottom right; fig. 7: see 3e & 17) arranged for human activities within the first space and the climate in those separate spaces is regulated with a geographic location separate from that of the first interior space.

Regarding claim 22, Matsui discloses a glass between the separate spaces and the main space (fig. 5: see glass windows and doors of the two interior structures; fig 7: see glass of 3e, 18 and 17).

Regarding claim 23, 25, 26, Matsui discloses an interior space simulating winter and arctic conditions (ski slopes).

Regarding claim 27, Matsui discloses plants (fig. 7: see trees).

Regarding claim 28, 29, Matsui discloses two cupolas (fig. 3: see peaks of cupolas 3(a) and 3(b)), an enclosed, curved, slope extending from the top of one to the bottom of the other. The applicant should also note that the slopes winds completely around both from the upper portions of both to the bottoms of both.

Regarding claim 30, Matsui discloses a lift (elevators in 3(a), (b), (c),(d),(e),(f)) that transports people to the top of the slope.

Regarding claim 31, Matsui inherently discloses refrigeration in a cupola since it is inherently needed to cool the area.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,790,531 to Matsui et al.

Regarding claim 24, Matsui discloses an area designed to simulate winter skiing. The use of refrigeration naturally generates heat, the heat would inherently warm the maintenance room from which it is controlled. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to use a portion of the heat generated by the refrigeration units to heat the room from which they are stored. The applicant should also note that in many cases, the heat generated by refrigeration units inherently warms a room. This is typical with any room that stores refrigeration equipment since refrigeration equipment operates on either electrical or gas energy, both of which generate heat when in use.

Regarding claim 32, matsui discloses a restaurant (fig. 7: 17) but not between the cupolas. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the restaurant between cupolas as a mere design choice. It would be obvious to do so in order to make the walk shorter for people who are at the other side of the area. This is a simple design choice in placement of the structure.

Response to Arguments

Applicant's arguments filed 7/17/09 have been fully considered but they are moot under new grounds of rejections necessitated by the applicants amendment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is

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(571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3635